

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff, :

v.

Case No. 2:23-cr-188
Judge Sarah D. Morrison

STEPHEN CHINN,

:

Defendant.

ORDER

This matter is before the Court on Defendant Stephen Chinn's unopposed Motion to Continue the Trial Date. (Mot., ECF No. 15.) A jury trial is currently scheduled for November 27, 2023. (See ECF No. 13.) Defense counsel represents that additional time is needed to investigate and review discovery. (Mot.) They further represent that Mr. Chinn has waived his right to a speedy trial to accommodate those preparations. (*Id.*) The Motion is well taken.

"The Speedy Trial Act of 1974 provides, *inter alia*, that in 'any case in which a plea of not guilty is entered, the trial shall commence within seventy days' after the arraignment, but lists a number of exclusions from the 70-day period." *U.S. v. Tinklenberg*, 563 U.S. 647, syllabus (2011) (quoting 18 U.S.C. § 3161(c)(1)) (cleaned up). A court may set a trial date outside the 70-day period "if the judge grant[s] such continuance on the basis of h[er] findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a

speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Courts consider several factors in determining whether to continue a trial, including whether failure to grant a continuance “would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

Because, here, the ends of justice served by doing so outweigh the best interest of the public and Mr. Chinn in a speedy trial, the Court will set a trial date outside the Speedy Trial Act’s 70-day period. *See* 18 U.S.C. § 3161(h)(7)(A). The Court sets forth the following findings:

- The Court is available to try this case on November 27, 2023, beginning at 9:00 a.m.
- The failure to grant the requested continuance would deny the parties reasonable time necessary for effective preparations, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).
- The delay occasioned by the continuance is properly excluded from the time limits of the Speedy Trial Act.

Given these enumerated findings, the Court **GRANTS** the Motion.

The Court hereby establishes the following trial schedule:

- All motions of any kind, including motions *in limine*, must be filed on or before **February 12, 2024**. All briefs in opposition must be filed on or before **February 20, 2024**. Reply briefs may not be filed without first obtaining leave of Court.
- Final Pretrial Conference is rescheduled for **March 5, 2024, at 5:00 p.m., in Conference Room 168**.
- Jury Trial is rescheduled for **March 11, 2024, at 9:00 a.m. in Courtroom 132**.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE